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2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 Lloyd Lacambacal,

7 Plaintiff,

8 v.

9 Desteney Vasquez, et al.,

10 Defendants.

Case No. 2:24-cv-01759-GMN-DJA

**Report and Recommendation**

11 On September 30, 2024, the Court granted Plaintiff's application to proceed *in forma*  
12 *pauperis*, dismissed Plaintiff's complaint, and gave Plaintiff until October 30, 2024, to file an  
13 amended complaint. (ECF No. 4). In doing so, the Court warned Plaintiff that "[f]ailure to  
14 comply with this order will result in the recommended dismissal of this case." (*Id.* at 4). To date,  
15 Plaintiff has not filed an amended complaint. Accordingly, the Court recommends dismissal of  
16 this case without prejudice. A dismissal without prejudice allows Plaintiff to refile a case with  
17 the Court, under a new case number.

18  
19 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
20 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

21  
22 **NOTICE**

23 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
24 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
25 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
26 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
27 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to  
28 file objections within the specified time and (2) failure to properly address and brief the

1 objectionable issues waives the right to appeal the District Court's order and/or appeal factual  
2 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);  
3 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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5 DATED: January 6, 2025



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE